

REMARKS/ARGUMENTS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action rejects claims 8 and 11 under 35 USC §112, second paragraph, as being indefinite. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The Official Action identifies the language in each of the rejected claims that underlies this rejection. Please note that applicant has amended each claim so as to eliminate the bases for this rejection.

The Official Action rejects claims 1-5 and 9 under 35 USC §102(b) as being anticipated by STANCHUS et al. 5,842,071. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The Official Action states that the applied STANCHUS et al. reference discloses a cover having conductive properties, and first and second battery contact members 86 and 96 coming in contact with negative and positive poles of the battery respectively. The identified first battery contact member is described as including an elastic arm 92 arranged to make contact with an inner wall of the cover via conductive contact 96 secured to cover 14.

Applicant notes that independent claim 1 recites a "cover having conductivity". Correspondingly, independent claim 9 recites "an electrically conductive cover arranged to cover a part of said main body", and further recites that the elastic arm that extends away from the first battery contact member is "arranged to make electrical contact with an inner wall of the electrically conductive cover".

The only elements of the device disclosed by STANCHUS et al. that are electrically conductive are contacts 86 (mislabelled as 80 in Figure 1) and 96. Neither the camera back cover 12 nor the databack cover 14 is described as being electrically connected itself. Moreover, such covers cannot be electrically conductive for the electrical components to operate properly, given that legs 94 and 98 are described as being in electrical contact with the negative and positive terminals of the battery 74, respectively, and both legs are connected to the databack cover 14.

Accordingly, the electrical conductivity recited in connection with the cover in the present claims is apparently construed in the Official Action as being met by a necessarily non-conductive cover 14 to which electrically conductive contacts are attached. Applicant respectfully suggests that such construction cannot reasonably be maintained.

The attribute of a distinct element of an overall assembly is not attributable to every other element of the assembly merely by the mechanical interconnection of such elements. By application of the same analysis that reaches the conclusion that the databack cover 14 of STANCHUS et al. is conductive, one necessarily arrives at the conclusion that the databack cover 14 is also photosensitive (given its ultimate attachment to the film loaded in the camera) and has the ability to particularly focus rays of light (given its ultimate attachment to the lens of the camera). Applicant therefore respectfully suggests that the cover of STANCHUS et al. is no more electrically conductive than it is photosensitive or optically useful.

Accordingly, applicant believes that the applied STANCHUS et al. reference fails to disclose the full set of features recited in claims 1 and 2, and the present anticipation rejection therefore cannot be maintained.

The Official Action rejects claims 6-8, 10, and 11 under 35 USC §103(a) as being unpatentable over STANCHUS et al. in view of ONO 6,301,448. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

Each of the rejected claims depends from one of independent claims 1 and 9, discussed above in connection with the anticipation rejection. In the present obviousness

rejection, the secondary ONO reference is offered merely for its asserted teaching or suggestion of a battery holding structure including a contact member arm portion that includes a first bending part and a second bending part.

Irrespective of the ability of ONO to teach or suggest that for which it is offered, applicant respectfully suggests that the combination of references necessarily fails to teach or suggest the full set of features recited in the rejected claims, given the implicit recitation in each claim of the electrically conductive cover recited in each of the independent claims. ONO no more teaches or suggests such features than does the primary STANCHUS et al. reference.

In light of the amendments described above and the arguments offered in support thereof, applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may

Reply to Office Action of March 26, 2003
Docket No. 8012-1140

contact the undersigned attorney so that this application may
continue to be expeditiously advanced.

Respectfully submitted,

YOUNG & THOMPSON



Robert J. Patch, Reg. No. 17,355
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297